

Marc D. Slonim  
Brian W. Chestnut  
ZIONTZ, CHESTNUT, VARNELL,  
BERLEY & SLONIM  
2101 Fourth Avenue, Ste. 1230  
Seattle, Washington 98121  
(206) 448 1230

Gordon H. DePaoli, Nev. Bar No. 195  
WOODBURN & WEDGE  
P.O. Box 2311  
Reno, Nevada 89505  
(775) 688 3000

Attorneys for Plaintiff, Fallon Paiute-Shoshone Tribe

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

FALLON PAIUTE-SHOSHONE TRIBE,	)	
a federally recognized Indian tribe,	)	
Plaintiff,	)	No. CV-N-04-466-LRH (RAM)
	)	
	)	
v.	)	
	)	
UNITED STATES BUREAU OF LAND	)	
MANAGEMENT,	)	
Defendant.	)	
	)	

**UNOPPOSED MOTION AND (PROPOSED) ORDER FOR PLAINTIFF TO FILE  
OVERSIZED COMBINED OPPOSITION AND REPLY BRIEF**

Plaintiff, the Fallon Paiute-Shoshone Tribe, moves for leave to file a 60-page brief in excess of the 30-page limit in Local Rule 7-4. The brief is a combined opposition to the United States Bureau of Land Management's (BLM) motion for summary judgment

and reply in support of the Tribe's motion for summary judgment, and also responds to the five amicus briefs filed in opposition to the Tribe's motion. BLM does not oppose plaintiff's request to file an oversized brief.

This is an action for judicial review of actions taken by the BLM, which the parties have agreed to submit to the Court on cross-motions for summary judgment. Because there will be no trial, the summary judgment motions are the parties' only opportunities to present their cases to the Court.

By Order dated September 12, 2005, the Court allowed plaintiff to file its 123-page motion for summary judgment despite the normal page limit in Local Rule 7-4. The oversized brief is designed to assist the Court with the lengthy administrative proceedings in this case, which took place over an 11-year period, and the complicated nature of the underlying factual issues, which concern the relationship between 9,400 year-old human remains and the contemporary Fallon Tribe.

On November 17, 2005, defendant BLM filed its 93-page opposition to the Tribe's summary judgment motion and cross-motion for summary judgment. Also, in October and November 2005, five amicus briefs were filed in opposition to the Tribe's motion, which total 102 pages.<sup>1</sup>

In light of the nature of this case and the breadth of materials to which plaintiff must respond, it is necessary to file an oversized brief. Plaintiff anticipates that 60 pages will be sufficient to both respond to the argument in opposition to its motion and oppose BLM's motion for summary judgment.

---

<sup>1</sup> The five amicus briefs were filed by the following individuals or groups: (1) Drs. Andrei Simic and Harry Glynn Custred (27 pages); (2) Drs. Ives Goddard and Lyle Campbell (22 pages); (3) Friends of America's Past (21 pages); (4) The Ethnic Minority Council of America (17 pages); and (5) The Ohio Archeological Society (15 pages).

For these reasons, plaintiff respectfully requests that its unopposed motion to file an oversized brief be granted.

Dated: January 25, 2006.

ZIONTZ, CHESTNUT, VARNELL,  
BERLEY & SLONIM

By: /s/ Marc D. Slonim  
Marc D. Slonim

By: /s/ Brian W. Chestnut  
Brian W. Chestnut

WOODBURN & WEDGE

By: /s/ Gordon H. DePaoli (per  
Telephonic Authorization)  
Gordon H. DePaoli

Attorneys for Plaintiff, Fallon  
Paiute-Shoshone Tribe

Order:

Plaintiff's motion to file a 60-page Opposition and Reply is granted.

DATED this 10th day of February, 2006.



\_\_\_\_\_  
United States District Judge